

House File 456 - Introduced

HOUSE FILE 456

BY WHEELER

A BILL FOR

1 An Act relating to the carrying and possession of weapons and
2 acquiring pistols and revolvers, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

CARRYING AND POSSESSING WEAPONS

Section 1. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (viii), Code 2019, is amended to read as follows:

(viii) Section 724.4, if the child used the knife in the commission of a crime on school grounds.

Sec. 2. Section 724.2A, Code 2019, is amended to read as follows:

724.2A Peace officer — defined — reserved peace officer included.

As used in sections 724.4, 724.6, and 724.11, “*peace officer*” includes a reserve peace officer as defined in section 80D.1A.

Sec. 3. Section 724.4, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

724.4 Use of a knife in the commission of a crime.

A person who goes armed with a knife on or about the person, and who uses the knife in the commission of a crime, commits an aggravated misdemeanor.

Sec. 4. Section 724.4B, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

724.4B Carrying dangerous weapons on school grounds — penalty — exceptions.

1. A person who goes armed with, carries, or transports a dangerous weapon of any kind, whether concealed or not, on the grounds of a school commits a class “D” felony. For the purposes of this section, “*school*” means a public or nonpublic school as defined in section 280.2.

2. Subsection 1 does not apply to the following:

a. A person who has been specifically authorized by the school to go armed with, carry, or transport a dangerous weapon on the school grounds for any lawful purpose.

b. A peace officer, when the officer’s duties require the person to carry a dangerous weapon.

c. A member of the armed forces of the United States or

1 of the national guard or person in the service of the United
2 States, when the dangerous weapon is carried in connection with
3 the person's duties as such.

4 *d.* A correctional officer, when the officer's duties require
5 the officer to carry a dangerous weapon, serving under the
6 authority of the Iowa department of corrections.

7 *e.* A person who for any lawful purpose carries an unloaded
8 pistol, revolver, or other dangerous weapon inside a closed and
9 fastened container or securely wrapped package which is too
10 large to be concealed on the person.

11 *f.* A person who for any lawful purpose carries or transports
12 an unloaded pistol or revolver in a vehicle or common carrier
13 inside a closed and fastened container or securely wrapped
14 package which is too large to be concealed on the person or
15 carries or transports an unloaded pistol or revolver inside a
16 cargo or luggage compartment where the pistol or revolver will
17 not be readily accessible to any person riding in the vehicle
18 or common carrier.

19 *g.* A law enforcement officer from another state when the
20 officer's duties require the officer to carry a dangerous
21 weapon and the officer is in this state for any of the
22 following reasons:

23 (1) The extradition or other lawful removal of a prisoner
24 from this state.

25 (2) Pursuit of a suspect in compliance with chapter 806.

26 (3) Activities in the capacity of a law enforcement officer
27 with the knowledge and consent of the chief of police of the
28 city or the sheriff of the county in which the activities occur
29 or of the commissioner of public safety.

30 Sec. 5. Section 724.5, Code 2019, is amended by striking the
31 section and inserting in lieu thereof the following:

32 **724.5 Availability of permit not to be construed as**
33 **prohibition on unlicensed carrying of weapons.**

34 The availability of a professional or nonprofessional permit
35 to carry weapons under this chapter shall not be construed

1 to impose a general prohibition on the unlicensed carrying,
2 whether openly or concealed, of a dangerous weapon, including
3 a loaded firearm.

4 DIVISION II

5 ACQUIRING PISTOLS AND REVOLVERS

6 Sec. 6. Section 724.15, Code 2019, is amended to read as
7 follows:

8 **724.15 Permit to acquire pistols or revolvers.**

9 ~~1. Any person who desires to acquire ownership of any~~
10 ~~pistol or revolver shall first obtain a permit. A permit to~~
11 ~~acquire ownership of any pistol or revolver shall be issued~~
12 ~~upon request to any resident of this state unless the person is~~
13 ~~subject to any of the following:~~

14 ~~a. Is less than twenty-one years of age.~~

15 ~~b. Is subject to the provisions of [section 724.26](#).~~

16 ~~c. Is prohibited by federal law from shipping, transporting,~~
17 ~~possessing, or receiving a firearm.~~

18 ~~2. Any person who acquires ownership of a pistol or~~
19 ~~revolver shall not be required to obtain a permit if any of the~~
20 ~~following apply:~~

21 ~~a. The person transferring the pistol or revolver and the~~
22 ~~person acquiring the pistol or revolver are licensed firearms~~
23 ~~dealers under federal law.~~

24 ~~b. The pistol or revolver acquired is an antique firearm, a~~
25 ~~collector's item, a device which is not designed or redesigned~~
26 ~~for use as a weapon, a device which is designed solely for use~~
27 ~~as a signaling, pyrotechnic, line-throwing, safety, or similar~~
28 ~~device, or a firearm which is unserviceable by reason of being~~
29 ~~unable to discharge a shot by means of an explosive and is~~
30 ~~incapable of being readily restored to a firing condition.~~

31 ~~c. The person acquiring the pistol or revolver is authorized~~
32 ~~to do so on behalf of a law enforcement agency.~~

33 ~~d. The person has obtained a valid permit to carry weapons,~~
34 ~~as provided in [section 724.11](#).~~

35 ~~e. The person transferring the pistol or revolver and the~~

~~1 person acquiring the pistol or revolver are related to one
2 another within the second degree of consanguinity or affinity
3 unless the person transferring the pistol or revolver knows
4 that the person acquiring the pistol or revolver would be
5 disqualified from obtaining a permit.~~

6 ~~3. 2.~~ The permit to acquire pistols or revolvers shall
7 authorize the permit holder to acquire one or more pistols or
8 revolvers during the period that the permit remains valid. If
9 the issuing officer determines that the applicant has become
10 disqualified under the provisions of [subsection 1](#), the issuing
11 officer may immediately revoke the permit and shall provide
12 a written statement of the reasons for revocation, and the
13 applicant shall have the right to appeal the revocation as
14 provided in [section 724.21A](#).

15 ~~4. 3.~~ An issuing officer who finds that a person issued
16 a permit to acquire pistols or revolvers under [this chapter](#)
17 has been arrested for a disqualifying offense or who is
18 the subject of proceedings that could lead to the person's
19 ineligibility for such permit may immediately suspend such
20 permit. An issuing officer proceeding under [this subsection](#)
21 shall immediately notify the permit holder of the suspension
22 by personal service or certified mail on a form prescribed
23 and published by the commissioner of public safety and the
24 suspension shall become effective upon the permit holder's
25 receipt of such notice. If the suspension is based on an
26 arrest or a proceeding that does not result in a disqualifying
27 conviction or finding against the permit holder, the issuing
28 officer shall immediately reinstate the permit upon receipt
29 of proof of the matter's final disposition. If the arrest
30 leads to a disqualifying conviction or the proceedings to a
31 disqualifying finding, the issuing officer shall revoke the
32 permit. The issuing officer may also revoke the permit of a
33 person whom the issuing officer later finds was not qualified
34 for such a permit at the time of issuance or who the officer
35 finds provided materially false information on the permit

1 application. A person aggrieved by a suspension or revocation
2 under **this subsection** may seek review of the decision pursuant
3 to **section 724.21A**.

4 Sec. 7. Section 724.16, Code 2019, is amended by striking
5 the section and inserting in lieu thereof the following:

6 **724.16 No prohibition to acquire pistols or revolvers without**
7 **a permit.**

8 The availability of a permit to acquire pistols or revolvers
9 under this chapter shall not be construed to impose a general
10 prohibition on the unlicensed acquiring of ownership of pistols
11 or revolvers.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill relates to the carrying and possession of weapons
16 and the acquiring of pistols and revolvers, and provides
17 penalties.

18 CARRYING AND POSSESSING WEAPONS. The bill amends Code
19 section 724.4 by striking the current penalty for carrying
20 dangerous weapons. Instead, the bill amends the current crime
21 of going armed with a knife in the commission of a crime, an
22 aggravated misdemeanor to provide that a person who goes armed
23 with a knife on or about the person, or who used the knife in
24 the commission of a crime, commits an aggravated misdemeanor.
25 An aggravated misdemeanor is punishable by confinement for
26 no more than two years and a fine of at least \$625 but not
27 more than \$6,250. The bill makes a conforming change to Code
28 section 232.52(2) relating to the suspension or revocation of
29 a juvenile's driver's license or operating privilege and a
30 conforming change to Code section 724.2A due to the strike of
31 Code section 724.4 in the bill. The bill also makes a change
32 to Code section 724.4B, relating to the carrying of weapons on
33 school grounds, to specifically include certain categories of
34 persons who are authorized to carry weapons on school grounds.
35 The bill strikes Code section 724.5 relating to a person's

1 duty to carry a valid permit to carry certain weapons for
2 which a permit has been issued to the person and replaces that
3 Code section with language providing that the availability
4 of a professional or nonprofessional permit to carry weapons
5 shall not be construed to impose a general prohibition on
6 the unlicensed carrying, whether openly or concealed, of a
7 dangerous weapon, including a loaded firearm.

8 ACQUIRING PISTOLS AND REVOLVERS. The bill amends Code
9 section 724.15 by striking the requirement that a person obtain
10 a permit to acquire ownership of any pistol or revolver. Under
11 the bill, a person can still apply and obtain a permit to
12 acquire ownership of a pistol or revolver if the applicant
13 meets certain requirements. An applicant also maintains the
14 right to appeal a denial of an application for a permit to
15 acquire pistols or revolvers. However, the availability of a
16 permit to acquire a pistol or revolver shall not be construed
17 to impose a general prohibition on the unlicensed acquiring
18 of ownership of a pistol or revolver. The bill strikes Code
19 section 724.16, which provides a penalty (class "D" felony) for
20 persons who acquire ownership of a pistol or revolver without a
21 valid permit or who transfer ownership of a pistol or revolver
22 to a person who does not have a valid permit to acquire pistols
23 or revolvers.